

### **REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-44 were pending prior to the Office Action. In this reply, claims 10 and 35-37 are cancelled. Thus, claims 1-9, 11-34 and 38-44 are pending. Claims 1, 9, 15, 21 and 28 are independent.

### **ALLOWABLE CLAIMS**

Applicant appreciates the Examiner for indicating that claims 21-27, 41 and 43 are allowed. *See Office Action, page 23.*

### **INTERVIEW SUMMARY**

Applicant thanks the Examiner for the personal interview conducted on March 2, 2007. In the interview, Applicant's counsel provided the Examiner with the proposed claim amendment, formally submitted herein. A tentative agreement was reached that the proposed claims are allowable over the prior art of record, pending an updated art search.

### **§ 103 REJECTION – SAKAEGI, KATAGIRI**

Claims 1-5, 9-12, 15-17 and 35-40 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakaegi et al. (U.S. Patent

6,266,083) in view of Katagiri (U.S. Patent 6,839,086). See Office Action, pages 4-16. Applicant respectfully traverses.

Independent claim 1 recites, in part “a controller electronically controlling the non-volatile memory and movement of the lens groups, the controller having program logic defining a plurality of operation modes, the logic upon power initiation determining an operation mode, and if the mode is determined to be an image recording mode, the logic causing the controller to commence moving the lens groups to initialization positions and perform initialization processing for enabling image recording, and after completion of the initialization processing for enabling image processing, upon receipt of a command for photographing generated by a shutter being pressed during a movement of the lens group to the initialization positions, control the non-volatile memory to store data in accordance with the electronic information presently available from the image sensor prior to the lens group have completed the movement to the initialization positions.” As recited, independent claim 1 embodies the allowable concepts as indicated by the Examiner regarding claim 21. As such, claim 1 is distinguishable over Sakaegi and Katagiri.

Independent claim 9 recites, in part “after completion of initializing the image sensing system, upon receipt of a command for photographing generated by a shutter being pressed during the movements of the lens groups to the

initialization positions, producing the electronic information representing the image presently available from the image sensing system prior to the lens groups having completed their movements to the initialization positions for recording the electronic information representing the image into a non-volatile memory” and independent claim 15 recites, in part “after completion of initializing the image sensing system, upon receipt of a command for photographing generated by a shutter being pressed during the movements of the lens groups to the initialization positions, producing the electronic information representing the image presently available from the image sensing system prior to the lens groups having completed their movements to the initialization positions for recording the electronic information representing the image into a non-volatile memory.” Again, these claims embody the allowable concepts as indicated by the Examiner. As such, independent claims 9 and 15 are also distinguishable over Sakaegi and Katagiri.

Claims 2-5, 10-12, 16-17 and 35-40 depend from independent claims 1, 9 and 15 directly or indirectly. Accordingly, these dependent claims are distinguishable over Sakaegi and Katagiri.

In addition, Applicant respectfully challenges the official notice taken by the Examiner to reject some of the dependent claims. For example, the features of the dependent claims 35-37 are incorporated into independent claims 1, 9 and 15 respectively. In the Office Action, the Examiner took official

notice that it is well known in the art to interchangeably replace volatile memories with non-volatile memories. In the context of digital cameras, Applicant respectfully disagrees.

Digital cameras typically include a temporary working volatile memory, such as the image memory 76 as illustrated in Figure 6 of Katagiri, so that image processing may take place. The processed image are typically stored onto removable memories. If the Examiner's assertion is taken to its logical conclusion, the temporary working memory of digital cameras would be replaced with non-volatile memories. One of ordinary skill would not do so in the context of digital cameras. Accordingly, Applicant respectfully requests that the Examiner provide a valid prior art reference or references to allegedly teach this feature.

For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 1-5, 9-12, 15-17 and 35-40 based on Sakaegi and Katagiri be withdrawn.

In addition, Applicant challenged the Examiner on taking Official Notice regarding the rejection of claims 11 and 17 and requested that valid prior art reference be provided. The Examiner failed to do so in this Final Office Action. Applicant once again requests the Examiner to provide the valid prior art references that allegedly teach the features as recited.

Applicant respectfully requests that the rejection of claims 1-5, 9-12, 15-17 and 35-40 based on Sakaegi and Katagiri be withdrawn.

§ 103 REJECTION – SAKAEGI, KATAGIRI, HIRASAWA

Claims 6-8, 13-14 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakaegi in view of Katagiri and in further view of Hirasawa (US Patent No. 5,424,776). *See Final Office Action, items 26-30.* Applicant respectfully traverses.

Claims 6-8, 13-14 and 18-20 depend from independent claims 1, 9 and 15, directly or indirectly. It is demonstrated above that claims 1, 9 and 15 are distinguishable over the combination of Sakaegi and Katagiri. Hirasawa is not relied upon to cure the above-noted deficiencies of Sakaegi and Katagiri. Therefore, claims 1, 9 and 15 are distinguishable over the combination of Sakaegi, Katagiri and Hirasawa. Then for at least due to the dependency thereon, claims 6-8, 13-14 and 18-20 are also distinguishable over the combination of Sakaegi, Katagiri and Hirasawa.

In addition, Applicant challenges the Examiner's Official Notice that the features of dependent claims 7 and 19 are well known. Applicant respectfully requests the Examiner to provide the valid prior art references that allegedly teach the features as recited.

Applicant respectfully requests that the rejection of claims 6-8, 13-14 and 18-20 based on Sakaegi, Katagiri and Hirasawa be withdrawn.

§ 103 REJECTION – KATAGIRI

Claims 28-34 and 42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Katagiri. *See Office Action, pages 18-23.* Applicant respectfully traverses.

Independent claim 28 recites, in part “determining if an instruction to record an image by a shutter being pressed is received during the movement of the plurality of lens groups from the first predetermined position to the second predetermined position” and “sensing the image prior to the plurality of lens groups have completed the movement to the second predetermined position and storing the image to a non-volatile memory accessible by the camera when it is determined that the instruction for photographing generated by the shutter being pressed is received.” As recited, claim 28 embodies the allowable concepts as indicated by the Examiner. As such, claim 28 is distinguishable over Sakaegi and Katagiri.

In addition, Applicant respectfully challenges the official notice taken by the Examiner that replacing volatile memories with non-volatile memories is well known and expected in the art. As demonstrated above, in the context of digital cameras, it is not well known and it is not expected in the art that the

working buffer memory of digital cameras can be replaced with non-volatile memories. Therefore, Applicant respectfully requests that a valid prior art to support this assertion.

Claims 29-34 and 42 depend from independent claim 28 directly or indirectly. Then for at least due to the dependency thereon, these dependent claims are also distinguishable over Katagiri.

Applicant respectfully requests that the rejection of claims 28-34 and 42 based on Katagiri, be withdrawn.

#### § 103 REJECTION – KATAGIRI, SAKAEGI

Claim 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Katagiri in view of Sakaegi. *See Office Action, page 22-23.* Applicant respectfully traverses.

Claim 44 depends from independent claim 28, and it is demonstrated above that claim 28 is distinguishable over Katagiri. Sakaegi is not relied upon to correct for at least the above-noted deficiencies of Katagiri. Therefore, claims 21 and 28 are distinguishable over the combination of Katagiri and Sakaegi. Then for at least due to the dependency thereon, claim 44 is also distinguishable over the combination of Katagiri and Sakaegi.

Applicant respectfully requests that the rejection of claim 44 based on Katagiri and Sakaegi be withdrawn.

### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491), to conduct an interview in an effort to expedite prosecution in connection with the present application.



Application No. 09/768,253  
Amendment dated March 28, 2007  
Reply to Office Action November 29, 2006

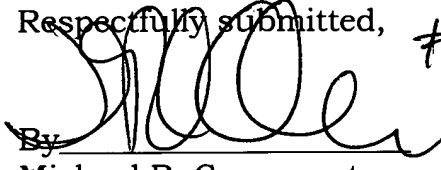
Docket No.: 1982-0163P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

#40,439

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